

REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

In view of the amendments to claims 1, the rejection under §112, second paragraph, has been overcome and should be withdrawn.

Claims 1, 4 and 6 have been amended and claims 3 and 5 have been cancelled without prejudice or disclaimer. The amendments to the claims, and also the amendments to the specification, are fully supported in the as-filed specification.

The claims presently pending are 1, 2, 4 and 6.

Claims 1-6 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Collins et al. U.S. patent Number 4,412,844 in view of Zertuche-Rodriguez et al. U.S. patent Number 5,811,069. This rejection is respectfully traversed.

The Collins' patent discloses a stable oil-dispersible magnesium hydroxide specifically for use as a vanadium corrosive additive for liquid hydrocarbon fuels. The following table compares Collins' additive, namely, the disclosed components, their percentages and their properties versus applicants' claimed suspension.

U.S. patent No. 4,412,844 (Collins)	Applicants' claimed suspension
A stable, oil-dispersible, aqueous dispersion of magnesium hydroxide useful as a vanadium corrosion additive for liquid hydrocarbon fuels having the following percentages by weight:	A long term stabilized magnesium hydroxide suspension which can be used for covering pellets of several kinds of materials for avoiding its agglomeration thereof when treated at high temperatures, having:
	a solids content of about 51% to 61%;
	a viscosity of about 500 to 1,500 cp.;
20-70% magnesium hydroxide having particle size from 1.0-50 microns;	an average particle size of about 1 to 2.5 microns;
	a $Mg(OH)_2$ content of about 50% to 60%;
29-79% water;	a water content of about 39% to 49%
	a chloride content less than 0.6% on a dry basis;
	a calcium content less than 1% on a dry basis;
	a pH of about 10.5 to 12;
	an equivalent magnesium oxide content of 34% to 42%;
	a specific gravity of 1.42 to 1.52;
1.0-8.0% of a water-dispersible, oil-soluble, water-in-oil emulsifying agent having an HLB value of from 4-10;	and including at least one anionic polyelectrolyte as a dispersant agent, at a concentration of at least 25%, in an amount of about 0.5 to 2.5% on a dry basis;

0.1-6% of a water-soluble, oil-dispersible emulsifying agent having an HLB of from 20-40, said water-soluble oil-dispersible emulsifying agent being characterized as having a surface active functional group from the group consisting of amide, amine, or ammonium; said dispersion having a Brookfield viscosity of 100-5000 cps utilizing a #3 spindle at 12 rpm at 75.degree. F., said dispersion further being characterized as being readily dispersible into a liquid hydrocarbon fuel	
	an adherent compound at a concentration of at least 30% in an amount of 0.5 to 5% on a dry basis;
	which can be stored for at least three months without substantial agitation and without substantial settlement and solid hard substrate formation.

In addition to the differences enumerated by the Examiner at page 4 of his Office Action, applicants request the Examiner to take note of the following differences which were not included in the Examiner's enumeration.

- The claimed invention recites a long term stabilized magnesium hydroxide suspension specifically for covering pellets of several kinds of materials for avoiding their agglomeration when treated at high temperatures.
- Applicants' claimed suspension does not include a water-soluble, oil-dispersible emulsifying agent, which provides Collins' additive with the necessary properties for dispersing in hydrocarbon fuels.

- Furthermore, Collins' does not disclose a stability of at least three months without substantial agitation and without experiencing substantial settlement and the formations of solid hard substrate.
- The Collins' reference neither teaches nor suggests the use of a stabilized hydroxide suspension for covering pellets of several types of materials to avoid their agglomeration when treated at high temperatures.

Since there is no suggestion or even a hint in Collins' patent of using an hydroxide suspension for the covering of pellets, and since applicants' and Collins' respective additives have totally different uses, it would be impossible to use the overly broad disclosure of the Collins' patent to provide the needed motivation to one of ordinary skill in the art to actually prepare a magnesium hydroxide slurry that contained all of applicants' claimed components and within applicants' claimed pH range.

The pH range recited in applicants' claimed invention was very carefully calculated. When the adherent compound is added to the magnesium hydroxide slurry, the fluidity and viscosity of the slurry changes and it loses its desired consistency. Therefore, in order to obtain optimum viscosity for the specific application of applicants' claimed suspension, the claimed additives are added, which basically function as pH modifiers. In order to obtain the claimed pH range, it was necessary to conduct a detailed investigation and extensive experimentation which, it is respectfully submitted, renders the claimed suspension and pH range completely unobvious to one of ordinary skill in the art.

In the same manner, there is no suggestion in the Zertuche '069 patent of using a hydroxide suspension for the covering of pellets.

The styrene acrylic emulsion is not a dispersant agent, rather it is used as an adherent compound, and therefore it cannot fall within the generic disclosure of Collins component C) or D).

In the Zertuche '069 reference, the suspension cannot be said to teach applicants' claimed suspension since it yields different and unexpected results as a result of adjusting the viscosity and pH to the claimed values, and adding the claimed adherent compound, which are clearly demonstrated by means of the examples and the results obtained thereby.

If a person of ordinary skill in the art were to take the suspension disclosed in Zertuche '069 and simply add an adherent compound, they would not achieve the results reported in applicants' examples. Applicants' engaged in a great deal of experimentation and development to select an appropriate adherent compound and to calculate the correct additive quantities and viscosity for using an hydroxide suspension in order to cover the pellets and obtain the results reported in the examples.

It is respectfully submitted that applicants' invention distinguishes over the art applied by the Examiner and, as such, would have been entirely unobvious to one of ordinary skill in the art. Accordingly, the §103(a) rejection has been overcome and should be withdrawn.

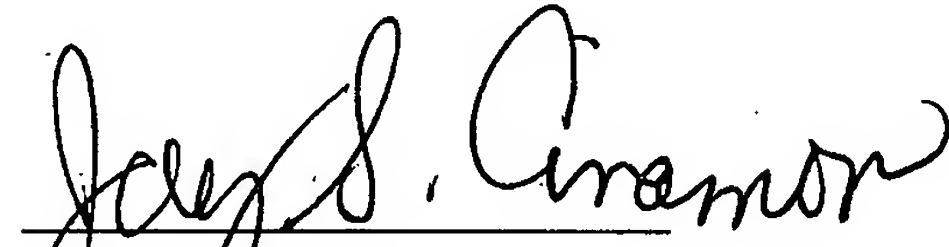
The issuance of a Notice of Allowance is respectfully solicited.

Please charge any fees which may be due and which have not been submitted herewith
to our Deposit Account 01-0035.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorneys for Applicant

By

A handwritten signature in cursive script, reading "Jay S. Cinamon". The signature is written in dark ink and is positioned above a horizontal line.

Jay S. Cinamon

Reg. No. 24,156

150 East 42nd Street

New York, New York 10017-5612

212-949-9022